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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,295	06/13/2001	Charles Michael Pickett	8371-138	6771
20575	7590	01/30/2004	EXAMINER	
MARGER JOHNSON & MCCOLLOM PC 1030 SW MORRISON STREET PORTLAND, OR 97205			ARSHAD, UMAR	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/881,295	PICKETT, CHARLES MICHAEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Umar Arshad	2174	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/13/01.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8 – 11 and 13 are rejected under 35 U.S.C. 112, second paragraph.

Claim 8 is confusing because it is dependent upon itself. The examiner will interpret claim 8 to be dependent on claim 7.

Claim 9 is confusing because it is dependent on claim 8 and claims matter that cannot co-exist with the matter claimed in claim 8. Claim 8 claims wherein the timer is visible on the graphical user interface. Claim 9 claims the graphical user interface of claim 8 wherein the timer is hidden. The examiner will interpret claim 9 to be dependent on claim 7.

Claim 13 is confusing because it is dependent upon itself. The examiner will interpret claim 13 to be dependent on claim 12.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Tilt, U.S. Patent No. 5,363,481.

As per claim 1, Tilt teaches a method of presenting a user interface, the method comprising:

a) providing a proxy user interface for a secondary application activated by a user input (see Tilt, column 1, lines 40 – 51; the examiner interprets a menu as a proxy user interface for a secondary application);

b) displaying settings for a task of the secondary application on the user interface (see Tilt, column 1, lines 60 - 62; the examiner interprets an option on a menu as a task of the secondary application and displaying additional information about a highlighted selection as displaying settings for a task of the secondary application); and

c) performing the task after elapse of a predetermined time period, if no input through the proxy interface is received (see Tilt, column 1, lines 40 – 51; the examiner

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interprets selecting the last highlighted parameter as performing the task).

As per claim 12, it is of similar scope to claim 1 and is rejected under the same rationale as claim 1 (see rejection above).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tilt, U.S. Patent No. 5,363,481 in view of Stucka et al., U.S. Patent No. 5,596,702.

As per claim 2, which is dependent on claim 1, Tilt teaches the method of claim 1 (see rejection above). Tilt does not teach the method of claim 1, wherein the method further comprises receiving an input through the proxy interface and presenting a user interface for the secondary application. Stucka et al. ("Stucka") teach a method comprising receiving an input through a proxy interface and presenting a user interface for the secondary application (see Stucka, column 10, lines 30 – 36). It would have

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been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Stucka with the method of Tilt in order to provide a graphical user interface element on demand as a result of a user action.

As per claim 13, which is dependent on claim 12, it is of similar scope to claim 2 and is rejected under the same rationale as claim 2 (see rejection above).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tilt, U.S. Patent No. 5,363,481 in view of Frank et al., U.S. Patent No. 5,651,107.

As per claim 3, which is dependent on claim 1, Tilt teaches the method of claim 1 (see rejection above). Tilt does not teach the method of claim 1, wherein the proxy user interface is provided as a transparent overlay. Frank et al. ("Frank") teaches a method wherein the user interface is provided as a transparent overlay (see Frank, column 2, lines 46 – 55). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Frank with the method of Tilt in order to increase the amount of information presented in a window based system.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tilt, U.S. Patent No. 5,363,481 in view of Atkinson, U.S. Patent No. 4,931,783.

As per claim 4, which is dependent on claim 1, Tilt teaches the method of claim 1 (see rejection above). Tilt does not teach the method of claim 1, wherein the proxy user interface is arranged on the periphery of the main application window. Atkinson teaches a method wherein a proxy user interface is arranged on the periphery of the main application window (see Atkinson, figure 2, item 1; the examiner interprets the menu as a proxy user interface). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Atkinson with the method of Tilt in order to reduce the obstruction of application images by said proxy user interface and reduce the steps required to access the tasks provided by said proxy user interface.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tilt, U.S. Patent No. 5,363,481 in view of Blades et al., U.S. Patent No. 5,465,358.

As per claim 5, which is dependent on claim 1, Tilt teaches the method of claim 1 (see rejection above). Tilt does not teach the method of claim 1, wherein the settings displayed are the default settings for the application. Blades teaches a method wherein the settings displayed are the default settings for the application (see Blades, column 6, lines 24 – 27). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Blades with the method of Tilt in order to give the user the option to keep default values for displayed settings.

As per claim 6, which is dependent on claim 1, Tilt teaches the method of claim 1 (see rejection above). Tilt does not teach the method of claim 1, wherein the settings displayed are the current settings for the application. Blades teaches a method wherein the settings displayed are the current settings for the application (see Blades, column 6, lines 24 – 30; it is inherent that the settings displayed are current). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Blades with the method of Tilt in order to give the user the option to modify current settings.

Claims 7 and 9 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander, U.S. Patent No. 6,118,451 in view of Blades et al., U.S. Patent No. 5,465,358.

As per claim 7, Alexander teaches a graphical user interface, comprising:

- a) An identifier identifying the application for which the user interface is used (see Alexander, column 6, lines 52 – 57);
- b) Wherein the setting for the application are stored (see Alexander, column 19, lines 13 – 18); and
- c) A timeout timer operable to close the graphical user interface upon expiration (see Alexander, column 19, lines 43 – 49).



Alexander does not teach displaying a settings display. Blades teaches a settings display (see Blades, column 6, lines 20 – 31). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Blades with the method of Tilt in order to display current settings to the user and give the user the option to modify current settings.

As per claim 9, which is dependent on claim 7, Alexander and Blades teaches the graphical user interface of claim 7 (see rejection above). Alexander further teaches the graphical user interface of claim 7, wherein the timer is hidden (see Alexander, column 23, lines 27 – 31; it is inherent that the time is hidden because it is a signal from the operating system).

As per claim 10, which is dependent on claim 8, Alexander and Blades teach the method of claim 8 (see rejection above). Alexander does not teach the method of claim 1, wherein the settings displayed are the default settings for the application. Blades teaches a method wherein the settings displayed are the default settings for the application (see Blades, column 6, lines 24 – 27). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Blades with the method of Tilt in order to give the user the option to keep default values for displayed settings.

As per claim 11, which is dependent on claim 8, Alexander and Blades teach the

method of claim 8 (see rejection above). Alexander does not teach the method of claim 1, wherein the settings displayed are the current settings for the application. Blades teaches a method wherein the settings displayed are the current settings for the application (see Blades, column 6, lines 24 – 30; it is inherent that the settings displayed are current). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Blades with the method of Tilt in order to give the user the option to modify current settings.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander, U.S. Patent No. 6,118,451 and Blades et al., U.S. Patent No. 5,465,358 further in view of McCoy et al., U.S. Patent No. 6,526,575.

As per claim 8, which is dependent on claim 7, Alexander and Blades teach the graphical user interface of claim 7 (see rejection above). Alexander and Blades do not teach the graphical user interface of claim 8, wherein the timer is visible on the graphical user interface. McCoy teaches a graphical user interface wherein a timer is visible on the graphical user interface (see McCoy, figure 14, "Starts In" timer). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the graphical user interface of McCoy with the graphical user interface of Alexander and Blades in order to alert the user of the time remaining in the timer.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tilt, U.S. Patent No. 5,363,481 in view of Stucka et al., U.S. Patent No. 5,596,702 further in view of Frank et al., U.S. Patent No. 5,651,107.

As per claim 14, which is dependent on claim 13, Tilt and Stucka teach the article of claim 13. Tilt and Stucka do not teach the article of claim 13, wherein the proxy user interface is provided as a transparent overlay of a main application window. Frank teaches a method wherein the user interface is provided as a transparent overlay (see Frank, column 2, lines 46 – 55). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Frank with the method of Tilt and Stucka in order to increase the amount of information presented in a window based system.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tilt, U.S. Patent No. 5,363,481 in view of Stucka et al., U.S. Patent No. 5,596,702 further in view of Atkinson, U.S. Patent No. 4,931,783.

As per claim 15, which is dependent on claim 13, Tilt and Stucka teach the article of claim 13. Tilt and Stucka do not teach the article of claim 13, wherein the proxy user interface is provided on the periphery of a main application window. Atkinson teaches a

method wherein a proxy user interface is arranged on the periphery of the main application window (see Atkinson, figure 2, item 1; the examiner interprets the menu as a proxy user interface). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Atkinson with the method of Tilt and Stucka in order to reduce the obstruction of application images by said proxy user interface and reduce the steps required to access the tasks provided by said proxy user interface.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umar Arshad whose telephone number is (703) 305-0329. The examiner can normally be reached on Monday - Friday, 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

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